

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

IN RE:	§	CASE NO. 13-50126
	§	
SERVICE STOP, LP,	§	CHAPTER 11
	§	
DEBTOR.	§	

ORDER APPOINTING CHAPTER 11 TRUSTEE

Came on to be heard Commerce Bank's Motion to Convert Case to Chapter 7 (the "Motion to Convert") and Debtor's Response to the Motion to Convert (the "Response") in the above-referenced bankruptcy case (the "Bankruptcy Case"). The Court, having considered the Motion to Convert, the Response, Commerce Bank's oral Motion to Appoint a Chapter 11 Trustee, the evidence presented, the argument of counsel, the status of this case and having taken judicial notice of the filings in this case finds that:

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334; venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409; this is a core proceeding pursuant to 28 U.S.C. § 157; the statutory predicate for the relief requested herein is 11 U.S.C. § 1104; and the Court has Constitutional authority for the appointment of a Chapter 11 trustee under the United States Supreme Court's analysis in *Stern v. Marshall*, 131 S.Ct. 2594 (2011).

2. The findings of fact and conclusions of law read into the record by the Court after the close of the evidence pursuant to Rule 52 of the Federal Rules of Civil Procedure, made applicable by Rule 7052 of the Federal Rules of Bankruptcy Procedures are incorporated herein in their entirety.

3. Adequate notice has been given and no other or further notice is necessary and upon the record herein, after due deliberation, good and sufficient cause exists for the granting of the relief as set forth herein

4. The Motion to Convert should be denied without prejudice to the refilling.

5. Cause exists to appoint a Chapter 11 trustee in this case and therefore the appointment of a trustee is mandatory under 11 U.S.C. § 1104(a)(1).

6. The appointment of a trustee is also appropriate under 11 U.S.C. § 1104(a)(2) because it is in the best interests of the creditors and the estate.

7. The Motion to Appoint Chapter 11 Trustee is granted and the United States Trustee for the Southern District of Texas shall immediately appoint a Chapter 11 trustee to assume control and management of the Debtor's financial affairs, operations, businesses, property, bank accounts and otherwise.

IT IS THEREFORE ORDERED that Commerce's Motion to Convert is DENIED without prejudice to the refilling.

IT IS FURTHER ORDERED that the Motion to Appoint Chapter 11 Trustee is GRANTED, and pursuant to 11 U.S.C. § 1104, a Chapter 11 trustee shall be appointed.

ORDERED that pursuant to 11 U.S.C. § 1104(d), the United States Trustee for the Southern District of Texas, after consultation with relevant parties-in-interest, shall appoint a disinterested person to serve as Chapter 11 trustee.

IT IS FURTHER ORDERED that the appointed Chapter 11 trustee shall immediately assume control and management of the Debtor's financial and business affairs, operations, businesses, property, bank accounts and otherwise.

IT IS FURTHER ORDERED that Patricia Jacaman, principal of the Debtor, shall immediately cease all management activities of the Debtor and cooperate fully with the appointed Chapter 11 trustee including, but not limited to the transfer of all books and records of the Debtor to the appointed Chapter 11 trustee.

IT IS FURTHER ORDERED that this Order is effective immediately upon its entry.

DATED: _____

UNITED STATES BANKRUPTCY JUDGE